

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-FILED

CIVIL MINUTES

DATE: May 9, 2008

Case No. C-07-06454-RMW

JUDGE: Ronald M. Whyte

WINDSOR AUCTIONS, INC., et al.

-V- EBAY, INC.

Title

R. Swanson, S. Cogan

Attorneys Present (Plaintiff)

M. Patterson, A. Sand

Attorneys Present (Defendant)

COURT CLERK: Jackie Garcia

COURT REPORTER: Lee-Anne Shortridge

PROCEEDINGS

DEFENDANT'S MOTION TO DISMISS

ORDER AFTER HEARING

Hearing Held. The Court heard oral argument from both sides. The Court's tentative ruling is to grant the motion to dismiss with the possible exception of the claim for breach of the covenant of good faith and fair dealing. No Robinson-Patman claim because, among other things, eBay provides a service, not a commodity. The Court vacated the CMC that was scheduled today, and will set a new CMC in the ruling. The Court to send out a final ruling to the parties. The matter is deemed submitted.
